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Attorneys for Plaintiff DIRECTV, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DIRECTV, INC., a California corporation,

 Plaintiff,

 vs.

 MARIO BARAONA, et al.,

 Defendants.

Case No. CV-03-4143 RMW RS

Hon. Ronald M. Whyte

**STIPULATION FOR VOLUNTARY
 DISMISSAL OF DEFENDANT
 VICTOR NEBRES AND REQUEST TO
 RETAIN JURISDICTION;
 ORDER THEREON**

IT IS HEREBY STIPULATED by and between Plaintiff DIRECTV, Inc.
 (“DIRECTV”) and Defendant VICTOR NEBRES (“Defendant”), through their respective
 counsel of record, that the above-captioned action be and hereby is dismissed without prejudice,
 pursuant to Fed. R. Civ. P. 41(a)(1), as to Defendant. Each of said parties to bear its/his own
 costs and attorneys’ fees.

The terms of the Confidential Settlement Agreement dated October 7, 2005
 (“Agreement”) entered into between Defendant and DIRECTV require installment payments
 from Defendant, the last of which is not due to be received until November 2006. If Defendant
 does not make the payments under the Agreement when due, DIRECTV is authorized to seek the
 entry of a Judgment in this action against Defendant pursuant to a Stipulation for Entry of
 Judgment (“Stipulation”) executed by the parties concurrently with the Agreement. The parties
 therefore have consented, and hereby further stipulate and consent to, the retention of jurisdiction

1 over them by this Court and to reference to a Magistrate Judge in this District for the purpose of
2 enforcing the payment terms of the Agreement, including entering a Judgment against Defendant
3 pursuant to the Stipulation. The parties therefore respectfully request that the Court retain such
4 jurisdiction.

5 DATED: November 3, 2005

Respectfully Submitted,

6 BUCHALTER NEMER
7 A Professional Corporation

8
9 By: _____ /s/ Brandon Q. Tran
10 Brandon Q. Tran
Attorneys for Plaintiff DIRECTV, Inc.

11 DATED: October ___, 2005

12
13 By: _____ /s/ Victor Nebres
14 Victor Nebres
Defendant *Pro Se*

ORDER

HAVING READ AND CONSIDERED the forgoing Stipulation for Voluntary Dismissal of Defendant VICTOR NEBRES and Request to Retain Jurisdiction, and such other pleadings, documents and records deemed appropriate by the Court, and good cause appearing therefore, IT IS HEREBY ORDERED:

(1) Defendant VICTOR NEBRES is hereby dismissed from this action without prejudice;

(2) Each of said parties to bear its/his own costs and attorneys' fees; and

(3) The Court shall retain jurisdiction over Plaintiff DIRECTV, Inc. and Defendant VICTOR NEBRES to enforce the terms described above of the Settlement Agreement between those parties dated October 7, 2005 and hereby refers any further proceedings in this action to enforce such terms of the Settlement Agreement to a Magistrate Judge of this District

Dated: 11/16/05

/S/ RONALD M. WHYTE

Honorable Ronald M. Whyte
United States District Court
Northern District of California

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER NEMER, A Professional Corporation, 18400 Von Karman Avenue, Suite 800, Irvine, California 926120514.

On November 3, 2005, I served the foregoing document described as: **STIPULATION FOR VOLUNTARY DISMISSAL OF DEFENDANT VICTOR NEBRES AND REQUEST TO RETAIN JURISDICTION; [PROPOSED] ORDER THEREON** on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof in a sealed envelope as follows:

Victor Nebres
105 N. Jackson Ave, Suite 102
San Jose, CA 95116

(Defendant *Pro Se*)

☒ **BY MAIL** I am a resident of, or employed in, the county where the mailing occurs; I am over the age of 18 years and am not a party to the cause. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. The address(es) shown above is(are) the same as shown on the envelope. The envelope was placed for deposit in the United States Postal Service at Buchalter Nemer in Irvine, California. The envelope was sealed and placed for collection and mailing with first-class prepaid postage on that date following ordinary business practices.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 3, 2005, at Irvine, California.

Joanne D. Mealey-Hatch

Joanne D. Mealey-Hatch

(Signature)

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